

Amendment No. 1 to HB0244

Cobb
Signature of Sponsor

AMEND Senate Bill No. 170*

House Bill No. 244

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (16) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding a new subdivision thereto, as follows:

() Board of nursing, created by § 63-7-201;

SECTION 3. Tennessee Code Annotated, Section 63-7-201, is amended by deleting the language “eleven (11)” and by substituting instead the language “nine (9)”.

SECTION 4. Tennessee Code Annotated, Section 63-7-202, is amended by deleting the section in its entirety and by substituting instead the following:

63-7-202.

(a) The governor shall appoint nine (9) members to the board, as follows:

(1) Three (3) members, one (1) from each grand division, who are either an advanced practice nurse or a registered nurse and at the time of their appointment and throughout the duration of their term or terms are employed in a management, administration, or teaching position, provided that at least one (1) member shall be a registered nurse. At least one (1) of the three (3) members provided in this subdivision must be employed by or working at a private university;

(2) Three (3) members, one (1) from each grand division, who are either an advanced practice nurse, licensed practical nurse, or a registered nurse and at the time of their appointment and throughout the

duration of their term or terms are in a hospital setting with direct patient care responsibilities. Provided, at least one (1) member shall be a licensed practical nurse;

(3) One (1) member shall be an advanced practice nurse who at the time of such member's appointment and throughout the duration of the member's term or terms is employed by a University of Tennessee system nursing program;

(4) One (1) member shall be a registered nurse who at the time of such member's appointment and throughout the duration of the member's term or terms is employed by a board of regents nursing program; and

(5) One (1) member shall be a person who is not a nurse and who is not commercially or professionally associated with the health care industry.

(b) In making appointments to the board, the governor shall consider appointing members who work in the following practice settings:

(1) One (1) member who is employed by a Level I trauma center licensed pursuant to title 68, chapter 11, part 2, at the time of the member's appointment and throughout the duration of the member's term or terms on the board;

(2) One (1) member who is employed by an acute care hospital at the time of the member's appointment and throughout the duration of the member's term or terms on the board;

(3) One (1) member who is employed by a critical access hospital or a rural hospital at the time of the member's appointment and throughout the duration of the member's term or terms on the board;

(4) One (1) member who is employed by a mental health facility licensed under title 33 at the time of the member's appointment and throughout the duration of the member's term or terms on the board;

(5) One (1) member who is employed by a long-term care facility at the time of the member's appointment and throughout the duration of the member's term or terms on the board; and

(c) No more than three (3) members shall be engaged in an academic position or setting at the time of their appointment and throughout the duration of their term or terms on the board.

(d) Members of the board may be appointed by the governor from lists of nominees submitted by their respective organizations. Each list shall contain a minimum of three (3) times as many names as the number of appointments to be made. A list of nominees shall be submitted at least forty-five (45) days prior to the expiration of the term of office of a member of the board.

(e) Each licensee member appointed to serve on the board shall:

(1) Be a resident of this state for at least one (1) year immediately preceding appointment;

(2) Be currently licensed and in good standing with an unencumbered license; and

(3) Have no less than five (5) years of experience as an advanced practice nurse, registered nurse, or licensed practical nurse.

(f) The consumer member appointed to the board shall:

(1) Be a resident of Tennessee for at least one (1) year immediately preceding their appointment;

(2) Not have a direct or indirect financial interest in health care services;

(3) Not have been a health care provider or be enrolled in any health-related educational program; and

(4) Not be a member or employee of any board of control of any public or private health care organization.

(g) A vacancy on the board shall be filled for the unexpired term by appointment by the governor in such a manner to ensure the requirements of this section are met.

(h) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(i) Except as provided in subsection (j), members currently holding appointments on the board shall serve their full terms. As vacancies occur, new appointments shall be filled by the governor in accordance with this section. Provided, no appointments shall be made until the board has less than nine (9) members.

(j) No member shall serve more than eight (8) continuous years on the board. A member shall be eligible to be reappointed after not serving on the board for four (4) years. The term of any member of the board with eight (8) or more years of service on the board upon the effective date of this act shall terminate July 1, 2011.

SECTION 5. Tennessee Code Annotated, Section 63-7-203, is amended by deleting the language "three (3) consecutive terms.", and by substituting instead the language "two (2) consecutive terms. At least four (4) years shall lapse before a member may be reappointed to the board or may serve in any capacity associated with the board."

SECTION 6. Tennessee Code Annotated, Section 63-7-205(a), is amended by deleting the language "Six (6) members" and by substituting instead the language "Five (5) members".

SECTION 7. Tennessee Code Annotated, Section 63-7-205, is amended by adding the following new subsections thereto:

(d) The board shall have seven (7) members of the board physically present to hear testimony, consider evidence, deliberate and render a decision before any action is taken to suspend summarily a license.

(e) The provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, shall apply to all disciplinary proceedings of the board.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.